

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JAMES DAVID ANSCHUTZ,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-24-01120-PRW
)	
CARRIE BRIDGES,)	
)	
Respondent.)	

ORDER

On October 28, 2024, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action. (Dkt. 5). Judge Mitchell recommends that the Court deny Petitioner James David Anschutz's Application for Leave to Proceed in Forma Pauperis (Dkt. 2) and dismiss the action without prejudice unless Anschutz pays the full filing fee within 21 days of any order adopting the Report and Recommendation. Judge Mitchell advised Anschutz that he had a right to object to the Report and Recommendation by November 18, 2024, and that failure to make a timely objection would waive any right to appellate review of the in forma pauperis issue.

Anschutz paid the filing fee on November 4, 2024. He therefore plainly does not object to the Judge Mitchell's Report and Recommendation (Dkt. 5).¹ Thus, Anschutz has

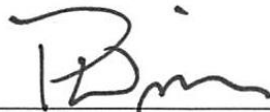
¹ See *Duvall v. Okla. State Bd. of Osteopathic Examiners*, No. 5:17-cv-00247-F, 2017 WL 1379393, at *1 (W.D. Okla. Apr. 14, 2017).

waived further review of the issues addressed in the Report and Recommendation.² Moreover, his motion for leave to proceed in forma pauperis (Dkt. 2)—at least insofar as it concerns payment of the initial filing fee—is now moot.³

Upon review, the Court:

- (1) **ADOPTS IN PART** the Report and Recommendation (Dkt. 5). The recommendation to deny the motion for leave to proceed in forma pauperis is **ADOPTED**. But the recommendation to dismiss the action without prejudice to refiling in the event Anschutz fails to pay the filing fee within 21 days is rendered **MOOT** because Anschutz has already paid the fee.
- (2) **DENIES** Petitioner's Application (Dkt. 2) as moot. And
- (3) **RECOMMITS** this action to the Magistrate Judge for further proceedings.

IT IS SO ORDERED this 8th day of January 2025.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE

² *Olivera v. Cate*, No. 5:14-cv-00162-D, 2016 WL 1436694, at *1 (W.D. Okla. Apr. 11, 2016) (first citing *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); and then citing *United States v. 2121 E. 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996)).

³ *See Hymel v. Harvenek*, No. 5:14-cv-00273-F, 2014 WL 2117866, at *1 (W.D. Okla. May 21, 2014).